

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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NATIONAL WILDLIFE REFUGE ASSOCIATION,  
et al.,

Plaintiffs,

v.

Case No. 3:21-cv-00096-wmc  
(lead)

RURAL UTILITIES SERVICE, et al.,

Federal Defendants,

AMERICAN TRANSMISSION COMPANY, LLC,  
et al.,

Intervenor-Defendants.

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NATIONAL WILDLIFE REFUGE ASSOCIATION,  
et al.,

Plaintiffs,

v.

Case No. 3:21-cv-00306-wmc  
(consol.)

U.S. ARMY CORPS OF ENGINEERS, et al.,

Federal Defendants,

AMERICAN TRANSMISSION COMPANY, LLC,  
et al.,

Intervenor-Defendants.

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**FEDERAL DEFENDANTS' JOINDER IN INTERVENOR-DEFENDANTS' REPLY IN  
SUPPORT OF EXPEDITED MOTION FOR STAY**

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By this Joinder, Federal Defendants<sup>1</sup> hereby join Intervenor-Defendants' Reply in Support of their Motion for Stay, ECF No. 66, filed August 26, 2021. Contrary to Plaintiffs' assertions, it

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<sup>1</sup> Federal Defendants in Case No. 3:21-cv-00096-wmc are Rural Utilities Service ("RUS"); Christopher McLean, in his official capacity as Acting Administrator, Rural Utilities Service; United States Fish and Wildlife Service ("USFWS"); Charles Wooley, in his official capacity as Midwest Regional Director; and Sabrina Chandler, in her official capacity as Manager, Upper Mississippi River National Wildlife and Fish Refuge. Federal Defendants in Case No. 3:21-cv-00306 are United States Army Corps of Engineers ("Corps"); Lieutenant General Scott A. Spellmon, in his official capacity as Chief of Engineers and Commanding General for the Corps;

is *Plaintiffs'* unexplained delay in filing these consolidated cases, along with their decision not to move for preliminary relief, that have resulted in a litigation schedule that bumps up against long-planned construction activities. *See* Federal Defendants' Reply to Plaintiffs' Response to the Transmission Companies' Motion to Intervene, ECF No. 32-1, at 2-3; *Hoosier Env't Council v. U.S. Army Corps of Eng'rs*, 722 F.3d 1053, 1058 (7th Cir. 2013) (criticizing environmental organization for its "lassitude" in pursuing its claims and its failure to seek preliminary relief against construction of a project). The Court should grant the requested stay, which would avoid wasting the parties' and the Court's time and resources litigating agency decisions that are in flux. Because motions for summary judgment are due September 3, 2021, Federal Defendants respectfully request expedited consideration of the motion.

Dated: August 26, 2021

Respectfully submitted,

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/s/ Leslie Coleman  
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Colonel Steven Sattinger, in his official capacity as Commander and District Engineer, Corps Rock Island District; and Colonel Karl Jansen, in his official capacity as Commander and District Engineer, Corps St. Paul District.

/s/ Devon Lea Flanagan

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